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ENVIRONMENTAL RESTORATION & WASTE MANAGEMENT

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October 10, 1997

Mr. John Wagoner
U.S. Department of Energy
Hanford Site Manager
P.O. Box 555
Richland, Washington 99352

Subject: Future Nez Perce Tribe ERWM Columbia River Comprehensive Impact Assessment (CRCIA) Involvement, and the Milestone M-15-80-B Letter.

The Nez Perce Tribe Department of Environmental Restoration and Waste Management (ERWM) has reviewed a copy of the Milestone M-15-80-B letter from the Department of Energy (DOE-RL) concerning the future of the CRCIA. The letter was addressed to the US Environmental Protection Agency and Washington Department of Ecology. ERWM has provided comments on portions of this letter.

Since 1855 Nez Perce Tribe treaty rights in the Mid-Columbia have been recognized and affirmed through a series of Federal and State actions. These actions protect Nez Perce interests to utilize their usual and accustomed resources in the Hanford Reach of the Columbia River and elsewhere. Accordingly, ERWM has DOE support to participate in and monitor relevant DOE activities.

ERWM does not agree with the many of the recommendations brought forth in this letter for completion, by DOE, of Milestone M-15-80-B. We are not going into the specifics of the sum of our disagreements at this time. Our concerns regarding the future of the CRCIA Team take precedence.

In December 1995, following an ERWM request for greater consultation into Hanford land use process and CRCIA, the Nez Perce were promised by Assistant Secretary Thomas Grumbly, that we could utilize these two vehicles to increase Hanford tribal consultation. ERWM applauded DOE headquarters for this step forward in tribal relations.

It is of concern that the July, letter states the CRCIA will no longer exist and will be taken over by forums such as the Hanford Advisory Board (HAB). This means DOE-RL is not going to honor the commitment made to us by DOE headquarters. This commitment came from DOE headquarters level. Any request to remove or change that

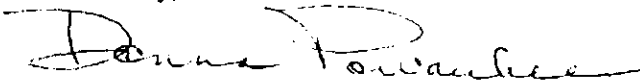
process must be communicated to us from the national not local level. The Nez Perce Tribe ERWM likes the current CRCIA process and want continuation of the mode of Tribal input offered by this process. It is a concern that this letter attempts to supersede a DOE headquarters commitment to ERWM. It is also a concern that the letter was not forwarded to the Tribe.

Although the HAB is a positive forum for Hanford policy input, we do not feel it will replace the CRCIA. The HAB schedule will not allow focus solely on comprehensive risk assessment.

We understand the budgetary constraints of DOE, but the commitment made to us should not be decimated. We suggest that if the CRCIA process, as it now occurs, is to be ended, then the replacement processes, not fully explained in the Milestone M-15-80-B letter, should be elaborated. Tribal consultation attached to these processes should be equal to or greater than what was promised by DOE headquarters. DOE should officially accomplish a transfer of tribal consultation from the CRCIA to the forum to follow. After a period of time working with the new process, ERWM will accept or reject the process. ERWM suggests that such a process may be Hanford sitewide rather than attached to the Columbia River. Whatever process is offered by DOE should offer straightforward consultation regarding the Hanford Site.

The Nez Perce Tribe ERWM Department is happy to work with DOE on efforts to increase tribal consultation. Even though a promise was made to us by DOE headquarters for CRCIA interaction, we are open to change, when necessary. We ask that you provide an adequate replacement forum and that further communication regarding this change come from DOE headquarters rather than the local Richland DOE office.

Sincerely,



Donna Powauke
Manager ERWM

cc: Alvin Alm
Greg DeBrulier
Tom Woods, YIN
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